



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,042	03/22/2006	Tetsuya Yamashita	DK-US030515	8887

22919 7590 11/12/2008
GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER

KOSANOVIC, HELENA

ART UNIT	PAPER NUMBER
----------	--------------

3749

MAIL DATE	DELIVERY MODE
-----------	---------------

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,042	Applicant(s) YAMASHITA ET AL.	
	Examiner HELENA KOSANOVIC	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8,10-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8 and 15-17 is/are rejected.
- 7) ☐ Claim(s) 10-14,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/08; 4/14/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendments filed 8/13/08 are acknowledged.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1-5, 7-8 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee 2002/0189274.

Lee teaches the invention as claimed:

Regarding claim 1, an indoor unit (fig. 1) of an air conditioner, comprising:
a main body casing 10, (fig. 9A); a front grill 40 provided forward of the main body casing and having a first opening 51 (fig. 2); a first movable panel 50 (fig. 9A) configured to move so as to open and close the first opening; a drive portion 73 (towards element 48 and element 41, fig. 2) configured to generate a driving force to move the first movable panel; and an opening and closing mechanism 43, 48 provided at the front grill and configured to move the first movable panel by the driving force of the drive portion to open and close the first opening; the opening and closing mechanism includes a first opening and closing mechanism 48, (fig 9A) for moving one end of the first movable panel by the driving force of the drive portion and a second opening and closing mechanism (close to same element as first opening and closing mechanism, but on opposite side of the casing, close to element 41b, fig. 9B) for

moving the other end of the first movable panel by the driving force of the drive portion; the opening and closing mechanism is configured so as to distribute the driving force from the drive portion to the first opening and closing mechanism (6-3) and the second opening and closing mechanism (figs. 9A and 9B).

Regarding claim 2, at least when mounting the front grill to the main body casing, the drive portion is provided in the main body casing (fig. 9A)

Regarding claim 3, the opening and closing mechanism includes a supporting member 72 (fig. 9A) mounted to the first movable panel to support the first movable panel.

Regarding claims 4 and 16, the opening and closing mechanism includes a speed reducing mechanism (unnumbered elements inside the element 18, fig. 9A) for transmitting the driving force of the drive portion to the first movable panel.

Regarding claims 5 and 17, the opening and closing mechanism includes a converting mechanism (unnumbered elements inside the element 18, fig. 9A) for converting a rotary motion transmitted from the drive portion to opening and closing movements of the first movable panel.

Regarding claim 7, the first opening and closing mechanism and the second opening and closing mechanism each are formed as a unit (figs. 9A and 9B).

Regarding claim 8, the first opening and closing mechanism and the second opening and closing mechanism are provided such that they are respectively fixed to inner surfaces of left and right sides of the said front grill (fig. 9B).

Allowable Subject Matter

Claims 10-14 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

In response to the Applicant's argument about one drive portion, the examiner notes that during patent examination claims are to be given their broadest reasonable interpretation consistent with the underlying specification without reading limitations from the specification into the claims. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). In this case, broadly construed, driving portion on both sides of the unit is considered to be a driving portion, since the Applicant has not claimed any structure that would distinguish claimed driving portion from the applied prior art driving portion.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./

Examiner, Art Unit 3749

102808

/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749